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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,752	04/16/2004	Romeo Emmanuel P. Alvarez	APS01-002B	1220
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George O. Saile 28 Davis Avenue Poughkeepsie, NY 12603				
			EXAMINER MITCHELL, JAMES M	
			ART UNIT 2813	PAPER NUMBER
			MAIL DATE 01/10/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary

Application No.

10/826,752

Applicant(s)

ALVAREZ, ROMEO EMMANUEL
P.

Examiner

James M. Mitchell

Art Unit

2813

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-26, 28 and 29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-26, 28 and 29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 10/315,534.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to applicant's remarks filed October 18, 2007.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 21-24, 26, 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakurai et al. (U.S. 2001/0040290) in combination with Christiansen et al. (U.S. 4,996,629).

4. Sakurai (Fig. 1, 2, 12) discloses:

(cl. 21) a wafer level chip scale package comprising; a semiconductor die (10) having a plurality of pads (12) on a surface; conductors (90) coupled to and extending vertically (e.g. in vertical direction) a first predetermined distance from the surface of the semiconductor die; an etch resistant layer (92) on free ends of the vertical conductors; a layer of insulation (14) on the surface, the layer of insulation having an exposed surface (e.g. exposing surface of pad; Fig. 2b) a second predetermined distance from the surface of the semiconductor die, wherein the second predetermined distance is less than the first predetermined distance and wherein said layer of insulation partially covers lower portions of side surfaces (e.g. lower vertical portion of conductor covered) of substantially all of the conductors; and reflowable material (44) attached to the etch

resistant layer and to at least portions of side surfaces of substantially all of the conductors (Fig. 12b);

(cl. 22) wherein the conductors comprise copper conductors (Par. 0103);

(cl. 24) wherein the etch resistant layer comprises a layer of gold (0145; Par. 160);

(cl. 26) wherein the thickness of the layer of gold is less than the difference between the first predetermined distance and the second predetermined distance (Fig 12b);

(cl. 28) the reflowable material comprises solder (0144);

(c. 29) wherein the solder comprises eutectic solder (Par. 0147).

5. Sakurai does not appear to explicitly disclose its insulating passivation layer being made from epoxy.

6. However, Christiansen (Col. 5, Lines 2-4) teaches epoxy as a passivation material.

7. It would have been obvious to one of ordinary skill in the art to form the passivation of Sakurai as an epoxy to provide a passivation layer as required by Sakurai¹.

8. Furthermore, the selection of an epoxy is known as a passivation material as evidence for example by Christiansen, therefore, it would have been obvious to one of ordinary skill in the art to select the claimed material, since it has been held that the selection of a known material based on its suitability for its intended use supported a prima facie obviousness determination². Sinclair & Carroll Co. v. Interchemical

¹ Materials disclosed for Sakurai were only examples (see Par. 0097).

² Applicant's lack of criticality is further evidences by his disclosure that his material can be different types (see PGPUB 2004/0198022; Par. 0010).

Corp., 325 U.S. 327, 65 USPQ 297 (1945). See, M.P.E.P §2144.07.

9. With respect to the process limitation of claim 23 that copper is “plated,” the prior art structure is the same as the claimed invention. “[E]ven though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process.” *In re Thorpe*, 777 F.2d 695, 698, 227 USPQ 964, 966 (Fed. Cir. 1985).

10. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sakurai (U.S. 2001/0040290) and Christiansen et al. (U.S. 4,996,629) as applied to claim 21 and further in combination with Jin (U.S. 2003/0219966).

11. Sakurai discloses the elements stated in paragraphs 4-9 of this office action, but does not disclose use of a combination of nickel and gold layers under its reflowable material.

12. Jin (Fig .12) utilizes of a combination of nickel and gold layers (30,32) under its reflowable material (36).

13. It would have been obvious to one of ordinary skill in the art to incorporate nickel with the gold of Sakurai in order to improve pitch as taught by Jin (Par. 0009-0014).

14. Claims 21, 24, 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zuniga-Ortiz et al. (U.S. 2003/0080392) in combination with Test al. (U.S. 6,268,662).

15. Zuniga (Fig. 1) discloses:

(cl. 21) a wafer level chip scale package (Par .0008) comprising; a semiconductor die (101) having a plurality of pads (104) on a surface; conductors (105, 106, 107) coupled to and extending vertically (e.g. thickness in vertical direction above insulation, 108) a first predetermined distance from the surface of the semiconductor die; an etch resistant layer (107; e.g. gold; Par. 0031) on free ends of the vertical conductors; a layer of insulation (108) on the surface, the layer of insulation having an exposed surface (e.g. exposing surface of pad, 104) a second predetermined distance from the surface of the semiconductor die, wherein the second predetermined distance is less than the first predetermined distance and wherein said layer of insulation partially covers lower portions of side surfaces (e.g. lower vertical portion of conductor covered) of substantially all of the conductors; and reflowable material (109) attached to the etch resistant layer and to at least portions of side surfaces of substantially all of the conductors (Fig. 1);

(cl. 24) wherein the etch resistant is gold (Par. 0031);

(cl. 28, 29) where the reflowable material is solder (Par. 0031).

16. Zuniga does not appear to disclose it's insulating layer made from epoxy.

17. However, Test (Claim 7 of Test; Col. 9, Line 5) teaches its insulating material being epoxy-based polymer.

18. It would have been obvious to one of ordinary skill in the art to form the insulation material of Zuniga as an epoxy to provide a polymeric material as required by Zuniga (Par. 0033)³.

19. Furthermore, the selection of an epoxy is known polymeric material as evidence for example by Test, therefore, it would have been obvious to one of ordinary skill in the art to select the claimed material, since it has been held that the selection of a known material based on its suitability for its intended use supported a prima facie obviousness determination. Sinclair & Carroll Co. v. Interchemical Corp., 325 U.S. 327, 65 USPQ 297 (1945). See, M.P.E.P §2144.07.

Response to Arguments

20. Applicant's arguments filed October 18, 2007 have been fully considered but they are not persuasive. Applicant contends that his invention is patentable over the prior art, because reliance on Christiansen and Test to show use of epoxy is improper, since they allegedly show use of the epoxy used at a different process than the insulating material of the primary references. While examiner agrees that the secondary references disclose use of its epoxy at stages different than the primary reference, examiner's reliance was solely for the purpose of establishing that epoxy is a known passivating material and that its use at any stage & in any manner consistent with its intended purpose (e.g. passivation/protection of IC components) is obvious to one of ordinary skill in the art. See 2144.07. Because applicant remarks are limited to the

³ Material disclosed as being polymeric with examples (see Par. 0033).

epoxy material and he has failed to rebut that he has merely used a known material in epoxy for its intended use, examiner's prior rejection is still deemed to be proper.

21. Moreover, it is immaterial that for example Christansen does not disclose use of its epoxy on only a portion of the chip, but rather the entire chip as indicated by applicant [remarks p. 2] when the reference was not relied on for that teaching. The primary reference in Sakurai already disclosed its passivating material on only a portion of the chip covering side portions of its conductor.

22. In regards to applicant's claim that Zuniga does not disclose vertical conductors or that its protective layer side surfaces of all the conductor. Examiner respectfully disagrees. Portions of 103 above layer 108 clearly extend vertically and all conductors, 105 on pad, 104 have lower side portions in contact with 108 (e.g. where 108 and 105 meet). For the following reasons the rejection is maintained.

Conclusion

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Newly cited art is added to further evidence the common use of epoxy as a passivating material.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

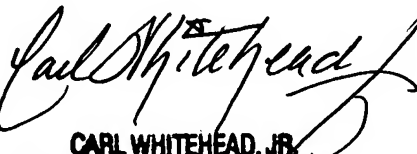
shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M. Mitchell whose telephone number is (571) 272-1931. The examiner can normally be reached on M-F 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Whitehead Jr. can be reached on (571) 272-1702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ex. Mitchell
January 5, 2008


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